

2002

Academic Support Programs: Effective Support Through a Systemic Approach

Adam Todd

University of Dayton, atodd1@udayton.edu

Follow this and additional works at: https://ecommons.udayton.edu/law_fac_pub



Part of the [Law Commons](#)

eCommons Citation

Todd, Adam, "Academic Support Programs: Effective Support Through a Systemic Approach" (2002). *School of Law Faculty Publications*. 87.

https://ecommons.udayton.edu/law_fac_pub/87

This Article is brought to you for free and open access by the School of Law at eCommons. It has been accepted for inclusion in School of Law Faculty Publications by an authorized administrator of eCommons. For more information, please contact frice1@udayton.edu, mschlange1@udayton.edu.

Academic Support Programs: Effective Support Through a Systemic Approach

Adam G. Todd*

TABLE OF CONTENTS

I. ASP HISTORY AND A CALL FOR CHANGE	189
II. ACADEMIC SUPPORT—THE NEED FOR A SYSTEMIC APPROACH	191
III. WHAT CONSTITUTES A SUCCESSFUL ACADEMIC SUPPORT PROGRAM?	192
IV. A SYSTEMIC APPROACH—SOME SUGGESTIONS	197
A. <i>Engage Doctrinal Professors</i>	198
B. <i>Hold Workshops and “Brown Bags” with Doctrinal Professors</i>	199
C. <i>Participate in Faculty Committees and “Brown Bags” that Involve Academic Support Issues</i>	199
D. <i>Offer to Co-Teach or Collaborate with a Doctrinal Professor in a Core Course</i>	200
E. <i>Offer to Teach a Course in an Area of Interest or Expertise</i>	200
F. <i>Recruit Alumni and Members of the Local Bar to Assist in ASPs</i>	201
G. <i>Familiarize Yourself with Your Law School’s Mission Statement, ABA and AALS Inspection and Self-Study Reports; and Other Useful Documents for Promoting ASP Pedagogy</i>	202
H. <i>Ally Yourself with the Legal Writing Professionals</i>	202
I. <i>Write, Write, and Write More</i>	203
J. <i>Directly and Informally Lobby for Structural and Curricular Changes that You Believe Will Promote the Academic Support Mission</i>	204
V. REFLECTIONS OF ONE ASP—CHASE COLLEGE OF LAW	204
A. <i>Formal Academic Support Programs at Chase College of Law</i>	204
1. <i>Summer Program for Legal Analysis</i>	205

*. Assistant Professor of Legal Writing and Director of Academic Support, Salmon P. Chase College of Law, Northern Kentucky University. J.D., Rutgers University School of Law; B.A., Brown University.

2. Introduction to Legal Studies	205
3. Academic Development Program	206
4. Enriched Basic Legal Skills Classes	207
5. Informal Tutoring Programs	209
B. <i>Beyond Traditional Academic Support—Systemic Support</i> .	210
1. Hiring of Academic Support Director	210
2. Creating Small Sections for First Year Courses	211
3. Encouraging Mid-Term Examinations with Feedback in First Year Courses	211
4. Advocating the Use of Non-Traditional Admissions Indicators	212
C. <i>Political Realities and Dirty Laundry—How Politics and Peccadillos Factor into Institutional ASP Decisions</i>	212
VI. CONCLUSION	213

Academic support programs in American law schools (“ASPs”)¹ are often implemented with the express purpose of promoting social, racial, and economic diversity in the legal profession, which has historically excluded these populations.² This progressive purpose, however, may not ultimately be achieved unless academic support is fully integrated into the law school academy. This Article argues that an ASP needs to go beyond one-on-one counseling of students in academic difficulty. Further, ASPs need to engage the faculty and administration of a law school in the academic support mission.

This Article also suggests concrete steps that ASP professionals can follow to improve the delivery of ASPs on a more system-wide basis. Finally, this Article examines specific programs at Northern Kentucky University’s Salmon

1. ASPs are designed to assist traditionally “at risk” students who would likely fail absent assistance. Richard Cabrera & Stephanie Zeman, *Law School Academic Support Programs—A Survey of Available Academic Support Programs for the New Century*, 26 WM. MITCHELL L. REV. 205, 205 n.1 (2000).

2. LAW SCH. ADMISSION COUNCIL, A PRACTICAL GUIDE FOR LAW SCHOOL ACADEMIC ASSISTANCE PROGRAMS 20 (2000) [hereinafter A PRACTICAL GUIDE FOR LAW SCHOOL ACADEMIC ASSISTANCE PROGRAMS]; LAW SCH. ADMISSION SERVS., LAW SCH. ADMISSION COUNCIL, AN INTRODUCTION TO ACADEMIC ASSISTANCE PROGRAMS 1 (1992); Paula Lustbader, *From Dreams to Reality: The Emerging Role of Law School Academic Support Programs*, 31 U.S.F. L. REV. 839, 840 (1997) (“The underlying purpose of most Academic Support Programs (“ASPs”) is to diversify the legal profession by helping more diverse students gain admission into, remain and excel in, and graduate from law schools, so they can pass a bar examination and gain entry into the legal profession.”). But there are also political and public relations reasons such programs are adopted. For example, academic support programs are also used to help under-qualified, privileged students who have been admitted to the law school because of alumni or political connections. Paul T. Wangerin, Book Review, *A Little Assistance Regarding Academic Assistance Programs: An Introduction to Academic Assistance Programs*, 21 J. CONTEMP. L. 169, 179-80 (1995).

P. Chase College of Law, where for the past five years, ASPs and other services have been expanded, in part, for the purpose of increasing bar examination pass rates. As a result of measures taken by Chase College of Law, bar passage has improved dramatically.³ These changes have both positively and negatively impacted the academic support mission.⁴ The School is a useful case study for examining the delivery of academic support in law schools.

I. ASP HISTORY AND A CALL FOR CHANGE

ASPs are currently well-received in the legal academy.⁵ Their importance and usefulness are practically unquestioned.⁶ Like clinical legal education and legal writing, ASPs fill a gaping hole in the legal education system.⁷ While legal education was once a "one size fits all" program of instruction that paid little attention to the art of teaching and the science of learning, academic support has brought learning theory, individualized instruction, compassion, and diverse teaching methods into the law school.⁸

3. Chase College of Law increased its bar pass rates by roughly ten percentage points over the past five years. It ranked fourth in a study of schools that have improved bar exam passage. Rebecca Luczycki, *Bar Exam Success Stories*, NAT'L JURIST, Jan. 2002, at 32, 35. See discussion *infra* Part V.

4. See *infra* Part V.

5. See, e.g., Cabrera & Zeman, *supra* note 1, at 206; see also Leslie Yalof Garfield, *The Academic Support Student in the Year 2010*, 69 UMKC L. REV. 491, 498 (2001); Wangerin *supra* note 2, at 169.

6. See Kristine S. Knaplund & Richard H. Sander, *The Art and Science of Academic Support*, 45 J. LEGAL EDUC. 157, 158-59 (1995); see also Lustbader, *supra* note 2, at 842.

7. Not only do ASPs allow for improved academic performance, but they also address the non-academic performance factors that are frequently overlooked by the traditional method of law school instruction. See Lustbader, *supra* note 2, at 847.

8. Indeed, the favored status of ASPs is evidenced by the large numbers of law schools that have some type of academic support program in place and by the increasing number of articles in law journals on the use of learning theory and teaching pedagogy. See, e.g., Filippa Marullo Anzalone, *It All Begins With You: Improving Law School Learning Through Professional Self-Awareness and Critical Reflection*, 24 HAMLINE L. REV. 324, 326-27 (2001); Robin A. Boyle & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALB. L. REV. 213, 216 (1998); M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 SEATTLE U. L. REV. 139, 140-41 (2001); Michael Hunter Schwartz, *Teaching Law By Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching*, 38 SAN DIEGO L. REV. 347, 350-53 (2001); Ruta K. Stopus, *Mend It, Bend It, and Extend It: The Fate of Traditional Law School Methodology in the 21st Century*, 27 LOY. U. CHI. L.J. 449, 475-76 (1996); Alice M. Thomas, *Laying the Foundation for Better Student Learning in the Twenty-First Century: Incorporating an Integrated Theory of Legal Education into Doctrinal Pedagogy*, 6 WIDENER L. SYMP. J. 49, 54-57 (2000).

However, it appears that ASPs potentially perpetuate social, racial and economic barriers in law schools and the legal community.⁹ These programs, rather than performing an inclusionary role, can potentially entrench an exclusionary hierarchy. Instead of changing law schools for the better, ASPs can enable the rest of the law school to continue functioning in the traditional manner that has historically caused people of certain social, racial, and economic backgrounds to be excluded from academic success.¹⁰ Furthermore, a poorly organized or underfunded academic support program can potentially harm the academic success of students participating in it, thereby further perpetuating the historic exclusion of these non-traditional student populations. For example, ASPs can cause harm by the additional work placed on a student participating in a given program, the dependence that such a program may create, or the stigma a student may feel from such a program.¹¹

A number of legal scholars have mentioned that academic support programs might potentially harm students.¹² Kathy Cerminara and Paul Wangerin use compelling empirical evidence and data to show that stigma, backlash, and dependency can undermine the goals of academic support.¹³ Chris Iijima argues ASP goals cannot be achieved unless community is created and "multiple consciousness" is fostered.¹⁴ Other legal scholars also provide evidence of the harm of stigma and defeatism caused by academic support.¹⁵ My concern about the "harm" of academic support programs is more in the vein of recent scholarship by people such as Paula Lustbader and Ruta Stropus, who argue for a greater role of ASP across the law school.¹⁶ Like these scholars, I believe academic support needs to play a greater part in the legal academy. My concern, however, is that ASPs, if not given this more meaningful role in a law school, can act as an impediment to change in the

9. See Judith G. Greenberg, *Erasing Race from Legal Education*, 28 U. MICH. J.L. REFORM 51, 88-91 (1994).

10. Cecil J. Hunt II, *Guests in Another's House: An Analysis of Racially Disparate Bar Performance*, 23 FLA. ST. U. L. REV. 721, 781-83 (1996).

11. See *id.*; see also Stropus, *supra* note 8, at 487-88.

12. See, e.g., Cabrera & Zeman, *supra* note 1, at 207; Chris K. Iijima, *Separating Support from Betrayal: Examining the Intersections of Racialized Legal Pedagogy, Academic Support, and Subordination*, 33 IND. L. REV. 737, 772-73 (2000).

13. See Kathy L. Cerminara, *Remebering Arthur: Some Suggestions for Law School Academic Support Programs*, 21 T. MARSHALL L. REV. 249, 256-57 (1996); Paul T. Wangerin, *Law School Academic Support Programs*, 40 HASTINGS L.J. 771, 773, 786-89 (1989).

14. Iijima, *supra* note 12, at 771-74.

15. See Darlene C. Goring, *Silent Beneficiaries: Affirmative Action and Gender in Law School Academic Support Programs*, 84 KY. L.J. 941, 946-50 (1996); Hunt, *supra* note 10, at 781-83.

16. See Lustbader, *supra* note 2, at 840-45; see also Stropus, *supra* note 8, at 484-88.

academy. Academic assistance programs can potentially act as substitutes for meaningful change in the rest of the law school institution by “enabling”¹⁷ the rest of the faculty to continue “dysfunctional” teaching methods and assessment techniques. By enabling the law school academy to continue functioning in a manner that inhibits ASP goals, an ASP program can potentially harm the very populations it seeks to assist.

II. ACADEMIC SUPPORT—THE NEED FOR A SYSTEMIC APPROACH

When I worked as a legal aid attorney, much of my work consisted of meeting one-on-one with clients who had pressing legal problems that required immediate intervention. For example, a person would come to see me about receiving eviction papers. I would contact the landlord and negotiate a settlement, or go to court and prevent the eviction, or at a minimum, win my client additional time to find new lodging. After a while, these types of cases became very routine. While such cases were very rewarding—I was able to directly help people in immediate need—the type of work was exhausting, underpaid, and underappreciated.

As a break from these routine cases, I was able to regularly pursue a larger case. Typically there were class actions or multi-party cases, that addressed a more systemic problem, compared to the more routine cases where I would be helping an individual with a pressing need. These larger, slower, systemic cases provided a welcomed break from the more simple ones, and when successful, provided a different type of satisfaction. The satisfaction from these larger cases was derived from a feeling that more people were being helped, the justice system was working on a grander scale, and possibly fewer people would be in need of my routine services because now the system was protecting their rights in a broader way.

During my work in law school academic support, I encounter parallels to my work as a legal aid attorney. A large part of my duties as a director of academic support at Salmon P. Chase College of Law involves meeting one-on-one with students. The students I meet with often have immediate pressing needs that require immediate intervention. These problems often are resolved in a relatively quick time period. For example, a student may come in to see me

17. “Enabler is a noun used in clinical and support-group settings to label someone who is close to (and often diagnosed as clinically “co-dependent” with) an alcoholic or other presumed addict, and whose love and emotional support allow the sufferer to deny the addiction and avoid seeking treatment. . . . Over the years, enabling has gradually moved from the clinical to the cultural vocabulary” Joe Sharkey, *‘Enabling’ is Now a Political Disease*, N.Y. TIMES, Sept. 27, 1998 at WK5.

who has failed his mid-term exam in Contracts. The student and I will review his study habits, case reading techniques, class notes, outlining efforts, and exam writing ability. Based on our mutual assessment, we develop a plan to improve the identified areas of weakness. Ideally he will follow the plan, which often includes attending workshops, talking with his professors, and continuing to meet with me or with someone to whom I refer him. Often, after one or two semesters the student overcomes the weaknesses or develops a regular way to work on his weakness with a person I have referred. While this individual attention to students is crucial to academic support work and indeed most rewarding, like the individual legal aid work, it is also exhausting, underpaid, and underappreciated.

Thus, like my legal aid work, I also work on systemic academic support issues in addition to my one-on-one work. This systemic work, when successful, has different rewards from the individual work, it also makes me believe that I may be decreasing the number of people in need of academic support because the "system" or academy is providing support.¹⁸

III. WHAT CONSTITUTES A SUCCESSFUL ACADEMIC SUPPORT PROGRAM?

Law school academic support programs take many different forms and play many different roles.¹⁹ Most programs, if not all, share the mission of supporting and promoting social, racial, and economic diversity in the legal profession.²⁰ In addition, or as part of promoting diversity, ASP programs often work to create a supportive working community in the law school and assist students in maintaining their confidence, values, and self worth in the rigorous and often alienating environment of the American law school.²¹ Many programs structure their ASPs around the delivery of support to individual students—particularly those students with low predictors or those facing academic difficulty.²² Focusing solely on those students at the bottom of the law school class, unfortunately, has a tendency to marginalize them.²³

18. Indeed, it is this systemic work that is crucial for a successful academic support program. An ASP that does not work to effectuate change in the academy is destined, on a certain level, merely to perpetuate an overall educational system that is stacked against the ASP goals of promoting social, racial, and economic diversity, as well as effective teaching and learning.

19. Lustbader, *supra* note 2, at 841; Knaplund & Sander, *supra* note 6, at 159.

20. A PRACTICAL GUIDE FOR LAW SCHOOL ACADEMIC ASSISTANCE PROGRAMS, *supra* note 2, at 20.

21. *Id.*

22. See Cabrera & Zeman, *supra* note 1, at 205-06.

23. See Iijima, *supra* note 12, at 765.

Academic support and the innovative techniques for teaching and learning involved in such programs are hidden behind the closed doors of one-on-one work with struggling students.

While the goals of Chase College of Law's ASPs are to promote diversity and improve the learning environment at the school, I am, as an academic support director, particularly interested in improving the academic performance of all students. I believe that the true measure of success of an ASP is the long-term academic improvement of all the students in the law school, not just those at the very bottom of the class.²⁴ Indeed, at Chase College of Law, the students who are just below the class median were often by-passed by the traditional ASP, which was geared for those at the bottom. This group, in the lower-middle end, contains a number of the racially, economically, and socially diverse students in the law school.²⁵ It is these slightly below average students that face particular difficulty with the bar exam and the job market.²⁶ Indeed, an ASP, in some ways, fails its mission if it only serves the students at the bottom of the class—a program will ultimately succeed if ASP pedagogy and methods are embraced by the school and faculty as a whole.

One significant study, conducted at UCLA Law School, measured the short-term and long-term benefits of various ASPs by using its own empirical data.²⁷ The UCLA study, conducted by Kristine Knaplund and Richard Sander, identifies short-term benefits of academic support programs (such as improved grades during or immediately following a program but *not necessarily* improved throughout law school) and long-term benefits (programs that show improved performance throughout law school).²⁸ The UCLA study is convincing in its analysis and findings. The key factors of ASPs that have long-term benefits for participating students identified in the UCLA study are:

1. The program directly deals with skills and techniques needed for test taking;
2. The program takes specific skills and integrates them into other courses the student is currently taking;
3. The program is taught using small classes (rather than one-on-one tutoring or large classes);

24. See generally the discussion of "retention versus excellence," in A PRACTICAL GUIDE FOR LAW SCHOOL ACADEMIC ASSISTANCE PROGRAMS, *supra* note 2, at 1-2.

25. This has been my observation throughout my career.

26. See generally Memorandum from Ljubomir Nacev, to Chase Deans and Faculty, Chase College of Law 1-3 (May 10, 2000) (on file with *Gonzaga Law Review*) (comparing LSAT scores and GPAs with bar passage rates, but not with success in job market).

27. Knaplund & Sander, *supra* note 6, at 159.

28. See *id.*; see also Jonathan L. Entin, *Scholarship About Teaching*, 73 CHI.-KENT L. REV. 847, 861-62 (1998) (recognizing the importance of the Knaplund & Sander article).

4. The program uses a professional teaching staff (i.e., people with training rather than volunteers or upperclass students); and
5. The program is "proactive" meaning that it targets students before problems develop.²⁹

Some law school academic support specialists have surveyed in-depth studies of undergraduate academic assistance programs.³⁰ These surveys make recommendations for successful academic assistance programs based on these undergraduate studies.³¹ Further, these recommendations appear to be applicable to law school settings as well. Paul Wangerin compiled the following factors he believed were supported by undergraduate surveys on successful academic support programs.³² Accordingly, a successful program should include:

designing interventions suitable for different types of student needs; providing strong administrative support; not forcing faculty to participate in support courses; providing "multiple learning systems;" avoiding student dependency [which can occur in many support programs, particularly tutoring]; encouraging "independent learning;" providing academic credit for participating students; and using "peer tutors."³³

Finally, compelling anecdotal and statistical evidence shows that stigma and defeatism have a debilitating effect on a program's efficacy.³⁴ Thus, a successful program needs to make efforts to design its programs and interact with students in ways that avoid stigma and defeatism.³⁵ It is also stressed in the above-mentioned studies that every school has its own needs.³⁶ Chase has its own particular concerns because of non-traditional and part-time students. However, in light of the above studies, Chase College of Law has taken the position that its ASPs need to be proactive, emphasize independent learning

29. Knaplund & Sander, *supra* note 6, at 202-03.

30. *See id.* at 202-04.

31. *See id.*

32. *Id.* at 204.

33. *Id.*

34. *See* A PRACTICAL GUIDE FOR LAW SCHOOL ACADEMIC ASSISTANCE PROGRAMS, *supra* note 2, at 8-11. *See generally* Goring, *supra* note 15.

35. The pernicious effects of "defeatism" are well documented in Claude M. Steele, *Thin Ice: "Stereotype Threat" and Black College Students*, THE ATLANTIC MONTHLY, Aug. 1999, available at <http://www.theatlantic.com/issues/99aug/9908stereotype.htm> (last visited Sept. 3, 2002).

36. Knaplund & Sander, *supra* note 6, at 207; *see also* Lustbader, *supra* note 2, at 853-54; Stropus, *supra* note 8, at 484-86.

skills, be part of a systematic program to address individual student needs, and avoid stigma and defeatism.

More recent scholars have recognized the above listed formula; a program's success should not be limited to students in academic support programs, but applied to all students.³⁷ All students learn best and reach their full potential if they are taught proactively with an emphasis on independent learning skills and when they feel part of a systematic program addressing the individual student's needs.³⁸ Traditional law school courses that have smaller class sizes, use diverse teaching methods, provide more individual feedback, and are geared towards preparing the student for the course's exam (or other evaluative work) will improve the academic performance of all of its students.³⁹ ASPs that provide this successful formula for learning need to be pushing for the embrace of this ASP pedagogy by the rest of the law school faculty.

In a recent article Chris K. Iijima argues that ASP professionals need to go beyond advocating for a change of how law school is taught.⁴⁰ He states, "The responsibility of ASP's is also, and most importantly, to be self-conscious critics of the normalized presumptions and biases that underlie much of the way law is taught and of the law itself."⁴¹ He advocates that ASPs should "engage in an exploration and exposition about how the ideological and political intersect and influence the pedagogical."⁴² Professor Iijima also argues that ASPs create "communities of color" to empower students served by ASP programs.⁴³ He additionally calls for teaching students "multiple consciousness" to empower them to understand the viewpoint demanded by traditional legal pedagogy "without sacrificing and placing in conflict the sense of themselves, their community, [and] their lives."⁴⁴

Professor Iijima's article understates, however, the importance of ASPs' role in directly affecting law school curriculum and pedagogy.⁴⁵ He states that it is "only the most optimistic of educational visionaries" who would believe

37. See Cabrera & Zeman, *supra* note 1, at 211.

38. See Wangerin, *supra* note 2, at 192-93.

39. See, e.g., Schwartz, *supra* note 8, at 369-71.

40. Iijima, *supra* note 12, at 761-62 (identifying two approaches of ASP professionals: the "Assimilationist Approach" which sees the role of ASP's as helping students assimilate or "cope" with traditional law school culture and its demands" and the "Learning Theory Approach" which sees the role of ASP's as primarily focuses on the way law is taught).

41. *Id.* at 741.

42. *Id.*

43. *Id.* at 740.

44. *Id.* at 778-79.

45. Professor Iijima writes "the prospect of dramatic and immediate change is probably not realistic, and the struggle to change law schools, and ultimately, how the law is viewed, created, and implemented will be a protracted one." Iijima, *supra* note 12, at 772.

changing the legal academy would be easy.⁴⁶ While I agree such changes are not easy, I do believe that there are relatively easy steps that ASP professionals can take to help facilitate this change.⁴⁷ Having frank discussions with doctrinal professors about teaching and learning theories, student assessment tools, and classroom atmosphere, can make enormous differences in the academic success of the students in those classes. If the professor makes changes, such as using multiple assessment tools, clearly articulated assessment goals, and improving feedback to students on those assessment measures, students would have much greater power and control over their own learning.⁴⁸

Additionally, Professor Iijima partly perpetuates ASPs' undesirable enabling function.⁴⁹ Professor Iijima indicates that it is the responsibility of ASP professionals to create communities of color and to teach multiple consciousness.⁵⁰ Certainly, ASP professionals should be taking steps to empower students served by academic support. But such steps can continue to merely placate students served by an ASP. Having a student develop multiple consciousness gives the student greater tools for survival and success in law school, but such consciousness does not on its own necessarily lead to change in the academy. It can, arguably, allow the ASP assisted student to survive law school while not requiring any change by the professors teaching that student's doctrinal classes. Rather than having the responsibility of making students aware of the need for multiple consciousness fall on ASP professionals, such discussions should be taking place throughout the law school curriculum. Indeed, the need for multiple consciousness, particularly by a student of color, is not only needed for survival in law school, but is also needed as much in the legal profession when working in a law firm with other attorneys, representing clients, and appearing before judges, most of whom function in an occupation with very few persons of color.⁵¹

Professor Iijima would likely call my arguments for broader ASP

46. *Id.*

47. Indeed, I think this change is occurring throughout the law school academy. The rise of academic support professionals throughout the academy is evidence of this change. The increasing number of articles in law journals on the use of learning theory and on teaching pedagogy is another. *See, e.g.,* Anzalone, *supra* note 8; Jacobson, *supra* note 8; Schwartz, *supra* note 8.

48. *See, e.g.,* Kristin B. Gerdy, *Teacher, Coach, Cheerleader, and Judge: Promoting Learning Through Learner-Centered Assessment*, 94 LAW LIBR. J. 59, 69-70 (2002); Greg Sergienko, *New Modes of Assessment*, 38 SAN DIEGO L. REV. 463, 464-65 (2001).

49. Professor Iijima writes: "part of the problem for many law students of color is the stereotype that confronts them about their lack of 'belonging' in both the academic as well as the social setting of law school." Iijima, *supra* note 12, at 740.

50. *See id.* at 740-41.

51. *See id.*

pedagogy throughout the law school academy unrealistically optimistic.⁵² On a certain level, there is an overly optimistic component to my quest for ASPs in American law schools. If ASPs succeed in their mission of promoting ASP pedagogy throughout the academy, ASPs as a separate institution could, or should, then “wither away” from lack of need for their services.⁵³ But this utopian vision is indeed overly optimistic. As long as the first year of law school is of such vital importance to the success of a student in the profession, additional assistance is necessary for students during this period.⁵⁴ Moreover, as long as students of color and other populations are under-represented in the profession and the academy, there will be a need for additional support for these populations.⁵⁵ Finally, as long as economics dictates large classes, few assessment mechanisms and continued reliance on the Langdellian method as the primary teaching model, academic support is needed.⁵⁶

IV. A SYSTEMIC APPROACH—SOME SUGGESTIONS

Each institution has its own needs, culture, and history that must be understood and appreciated in order for the ASP professional to be effective.⁵⁷ The size, selectivity, and diversity of a school all influence the approach of its ASP professionals in providing academic support. Similarly, academic support professionals have varied roles and status in different law schools.⁵⁸ The status of ASP professionals is usually not equal to the doctrinal faculty and may be rather unclear. No matter what type of ASP a law school has, there are ways academic support pedagogy can be promoted to the law school faculty and

52. See *id.* at 771-72.

53. I'd like to credit my colleague Professor John Valauri, Salmon P. Chase College of Law, for this expression.

54. Good first-year (not second or third-year) grades are usually the ticket to Law Review, Moot Court, and clerkships with judges or big law firms. See Phillip C. Kissam, *Law School Examinations*, 42 VAND. L. REV. 480-81 (1989); see also Mitu Gulati et al., *The Happy Charade: An Empirical Examination of the Third Year of Law School*, 51 J. LEGAL EDUC. 235, 239 (2001).

55. See Cheryl E. Amana, *Recruitment and Retention of the African American Law Student*, 19 N.C. CENT. L.J. 207, 214-16 (1991).

56. See Stropus, *supra* note 8, at 484-88.

57. See A PRACTICAL GUIDE FOR LAW SCHOOL ACADEMIC ASSISTANCE PROGRAMS, *supra* note 2, at 11-12. This point was effectively brought to my attention and made by Jennifer Kamita, Director of Academic Support, Loyola Law School, as well as Mark Padin, Nova Southeastern University. This issue was part of a presentation made by Professors Kamita and Padin and me entitled *Making Friends and Influencing Faculty*. Jennifer Kamita et. al., Presentation at the LSAC 2001 Northeast Region Academic Support Conference (July 19-20, 2001).

58. See Cabrera & Zeman, *supra* note 1, at 208-10; Garfield, *supra* note 5, at 494-98.

administration as well as the local bar and legal community.⁵⁹ It is through these systemic approaches to academic support that a program can be more successful.

These approaches work within my particular law school. Some of these suggestions, however, could "back-fire" on an ASP professional.⁶⁰ If the ASP professional acts too assertively or aggressively, he or she could make the faculty and administrators uncomfortable, which could lead to a scaling back or dismantling of the ASP.⁶¹ Considering the tenuous status afforded ASP professionals in many law schools, the following suggestions unfortunately must be exercised with great tact, patience, and political acumen.

A. *Engage Doctrinal Professors*

I try to involve, as much as possible, the doctrinal faculty in providing for the academic support needs of students in their classes. Having a doctrinal faculty member articulate to a student why he or she did not do well on a given exam forces the doctrinal faculty member to clarify his or her teaching and assessment techniques.⁶² For example, a student who fails a Contracts midterm and comes to see me, is required to talk to his or her Contracts professor and take careful notes on why he or she did not do well and how the professor recommends the student improve his or her performance. This same student must then return to meet with me and discuss the findings. I then put these findings in a broader context with the student in light of the student's other classes, personal situation, and so on.

Next, I talk to the Contracts professor about all of her students that I have met with and general problems that have arisen in the class. This interaction helps immensely because it allows me to gauge the advice I have given students about improving performance in a particular professor's class. This interaction is also crucial in drafting the doctrinal professor into the academic support mission. Through these conversations, the professor becomes familiar with

59. This is of course assuming there is a will.

60. For an account of a legal writing professional's difficulties in his law school's administrative politics, see Peter Brandon Bayer, *A Plea for Rationality and Decency: The Disparate Treatment of Legal Writing Faculties as a Violation of Both Equal Protection and Professional Ethics*, 30 DUQ. L. REV. 329, 329-30 (2001).

61. On the other hand, the dismantling of an academic support program would not necessarily be a bad thing if the rest of the school (faculty and administration) adequately served students of color, non-traditional students, and others currently not sufficiently served by the law school academy.

62. For a discussion of the need for all professors to conference with students, see Stephanie A. Vaughan, *One Key to Success: Working with Professors...Outside the Classroom*, 29 STETSON L. REV. 1255, 1258-60 (2000).

academic support pedagogy. For example, the professors become familiar with the deductive structure of IRAC (Issue, Rule, Analysis & Conclusion) and analogical analytical forms. The professors can then become aware of whether they privilege one form over the other in their exams. They become aware of the need for varied learning techniques, and become sensitive to the barriers some students in their class may be facing.

*B. Hold Workshops and "Brown Bags" with
Doctrinal Professors*

Another technique for involving faculty members in the academic support mission is through workshops where one co-teaches with the doctrinal faculty member. I particularly try to involve first-year professors in the academic support workshops offered at my school by having them talk about the doctrinal subject matter being covered in the workshop.⁶³ This collaboration forces the doctrinal professor to consider ASP issues directly and opens the space for dialogue and furthers collaboration on supporting students' needs.

*C. Participate in Faculty Committees and
"Brown Bags" that Involve
Academic Support Issues*

As an ASP professional, it is easy to discount the value of faculty meetings and committees. They can be long, tedious, and appear unproductive. They take valuable time away from the immediate, pressing, and real needs of students in need of assistance. The long-term benefits of attending and participating in faculty meetings, however, are valuable to an ASP's pedagogical goals and professional development. Thus, it is important to attend and participate in faculty committees, meetings, and brown-bag discussions.

The ASP professional has expertise in areas that the faculty often does not have.⁶⁴ Usually, the ASP professional has a unique perspective on curricular and administrative matters.⁶⁵ An ASP professional has a valuable role to play

63. At Chase College of Law, this is primarily done through a program called "Introduction to Legal Studies." This program is a one week mandatory, for-credit class in study skills and legal method. SALMON P. CHASE COLL. OF LAW, *Description of Curriculum*, in 2002-2004 CATALOG, at 4, available at www.aku.edu/~chase (last visited Sept. 7, 2002) [hereinafter *Description of Curriculum*].

64. See generally A PRACTICAL GUIDE FOR LAW SCHOOL ACADEMIC ASSISTANCE PROGRAMS, *supra* note 2, at 4-6.

65. There are some committees that an ASP should avoid, such as committees that enforce the honor code or place students on probation or dismissal due to academic standing. These types of activities conflict with the supportive role ASP professionals must perform

in faculty discussions on many issues such as how to raise bar exam results, faculty grading policies for courses (particularly first year courses), use of assessment tools in law school classes, diversity issues, academic probation, and dismissal policies.⁶⁶ In my experience, an ASP can give a valuable alternative point of view on issues such as admissions, recruitment, alumni development, financial aid, law school environment, and hiring.

D. Offer to Co-Teach or Collaborate with a Doctrinal Professor in a Core Course

The Knaplund and Sander study of ASPs at UCLA Law School demonstrated that effective academic support is delivered in an integrated model where specific skills are taught in conjunction with the courses that the students are currently taking.⁶⁷ An obvious way to achieve this goal is for an ASP professional to collaborate directly with a doctrinal professor in a first year subject and provide ASP methodology directly in the class curriculum. For example, at Chase College of Law, I collaborated with a professor teaching Criminal Law. Over the course of the semester, I developed sample essay exam questions relating to the topics covered in the class. These questions were handed out as each topic was covered. Students had the opportunity to immediately assess their mastery of the material, practice and improve their skills in preparation for the final exam, and also receive general advice on course preparation. Workshops were also provided on outlining and effective studying using the material the students were currently studying. Such an approach allowed students to make an immediate connection between the advice received by the ASP professor and their doctrinal class. Additionally, the ASP exercises did not detract from their studies but built on and enhanced their immediate study needs.⁶⁸

E. Offer to Teach a Course in an Area of Interest or Expertise

Ideally, the ASP professional would teach a doctrinal, first-year subject and apply his or her ASP expertise in conjunction with teaching the doctrinal course. The Knaplund and Sander study has identified such a course as being

with students.

66. See A PRACTICAL GUIDE FOR LAW SCHOOL ACADEMIC ASSISTANCE PROGRAMS, *supra* note 2, at 6.

67. See Knaplund & Sander, *supra* note 6, at 161, 203-06.

68. In a part-time program particularly, where students are pressed for time, ASPs that impose additional work on a student seem to have a detrimental effect.

an effective form of academic support.⁶⁹ Teaching such a course, however, is not usually an option for most ASP professionals, who are hired on non-tenure tract contracts.⁷⁰ What is more feasible, however, is an ASP professional teaching an elective course. While the idea of taking on the additional responsibility of teaching a course sounds foolhardy or impossible in light of all the other time consuming tasks of the ASP professional, teaching a course has a number of benefits to the ASP professional and program itself.

First, the ASP professional gains a certain amount of respect and credibility as a teacher among students, professors, and administrators in the law school. This respect makes all other work in academic support easier to accomplish. Second, certain courses can be structured to provide important academic support components to the law school curriculum. For example, I have taught legal drafting and pre-trial litigation courses, in which I included workshops on the Multistate Performance Test open to all students in the school who wished to prepare for that part of the bar exam.⁷¹ The academic support components of these electives can also be important models for other teachers in the law school. Third, the ASP professional is likely to find personal satisfaction in teaching outside of the usual academic support setting. Such teaching spurs professional growth and development outside the confines of the academic support community. Finally, the professional is better able to relate to and appreciate the issues facing doctrinal professors in their regular teaching routines. Having such insight is crucial for successfully implementing any changes in overall law school teaching and pedagogy.

F. *Recruit Alumni and Members of the Local Bar to Assist in ASPs*

Many law schools use second and third-year law students to provide academic support to first-year students.⁷² I think using recent alumni and

69. See Knaplund & Sander, *supra* note 6, at 161, 172, 202-06.

70. AM. BAR ASS'N, STANDARDS FOR APPROVAL OF LAW SCHOOLS § 403(b) (2001-2002) requires "substantially all" first year subjects to be taught by full-time faculty.

71. The Multistate Performance Test (MPT) is developed by the National Conference of Bar Examiners (NCBE) and is administered in 28 jurisdictions. See Nat'l Conference of Bar Exam'rs, *Multistate Performance Test (MPT): Introduction*, at <http://www.ncbex.org/tests/mpt/mptxt.htm> (last visited Sept. 21, 2002); see also Nat'l Conference of Bar Exam'rs, *Multistate Examination Use*, at <http://www.ncbex.org/tests/use.htm> (last visited Sept. 21, 2002).

72. E.g., Knaplund & Sander, *supra* note 6, at 169 (stating elements of UCLA's academic support program, which includes review sessions with second and third year students). I think over-reliance on students to provide academic support can be a mistake and send the wrong message to the law school, law students, and the community. First, students who provide support need careful training. Second, successful law students who would

members of the local bar, while possibly more costly, is more effective. I have found alumni eager to play a role in assisting students at the school and willing to take the time to be trained and provide long-term assistance to the school. Recent alumni have immediate credibility due to their success in the same classes as the students they are assisting. Alumni can also give a longer-term perspective about law study—having studied for the bar exam and practiced law. Finally, alumni can play a role influencing the law school administration's support for ASPs and for positive change in the law school curriculum. An alumni association is likely to be interested and supportive of academic support work. Their potential financial support of ASP certainly would get the attention of administration and faculty.

G. Familiarize Yourself with Your Law School's Mission Statement, ABA and AALS Inspection and Self-Study Reports; and Other Useful Documents for Promoting ASP Pedagogy

Law school mission statements often have language consistent with ASP goals.⁷³ Such language should be included in any discussion and promotion of ASPs in your law school. Additionally, as part of the periodic re-accreditation process, I suggest law schools engage in a self-study process including examination of the law school's mission statement, assessing the law school's successes and failures in accomplishing its mission, and identifying programs for succeeding in the future. This process gives ASP programs an opportunity to be recognized in the law school and included in future plans for the law school.

H. Ally Yourself with the Legal Writing Professionals

Legal writing professionals are natural allies with ASP professionals. They share many of the same struggles and are often trying to achieve the same goals.⁷⁴ Legal writing instructors are usually the first to encounter students

provide good support to other students are often swamped with other responsibilities such as law review, moot court, clerkships, and clinics. Third, good academic support should be provided by skilled professionals; having students provide this service (like having students teach legal writing) sends the message that ASP is something that does not require any particular training or experience.

73. See, e.g., WAKE FOREST UNIV. SCH. OF LAW, MISSION STATEMENT, available at http://www.law.wfu.edu/mission_statement.htm (last visited Sept. 21, 2002); LOYOLA LAW SCH., L.A., MISSION STATEMENT, available at <http://www.lls.edu/about/mission.htm> (last visited Sept. 15, 2002).

74. Cf. Bayer, *supra* note 60 (raising many of the same issues that apply to ASP

facing academic difficulty.⁷⁵ Many of these legal writing instructors use varied teaching techniques, often in one-on-one settings, to teach to the varied learning styles of students learning legal writing. In some schools the academic support program has grown out of or is associated with the legal writing program.⁷⁶ Often employment status of ASP and legal writing professionals is similar in a given law school.

I. *Write, Write, and Write More*

ASP professionals spend much of their time teaching. The currency of the law school academy, however, is publishing.⁷⁷ In order to make inroads in the academy, ASP professionals need to participate in the written discourse of the legal academy. Articles in law reviews and peer edited journals are ideal, but also the law school alumni newsletter or magazine or the local bar journal can give valuable exposure to your program. Also, write to the Dean about things you are doing. When returning from an academic support conference, write a memo about what other schools are doing and how your school measures up. These memos can be easily converted into pieces for newsletters. Finally, write grant proposals. The Law School Admissions Council, U.S. Department of Education, American Bar Association, local bar foundations, law firms, are all sources of funds for ASP projects. Even if your funding request is unsuccessful, your efforts will be noticed and appreciated by the law school. Additionally, the grant writing and vetting process gives exposure to you and your program.

professionals as well as legal writing professionals); *see also* Jan M. Levine, *Leveling the Hill of Sisyphus: Becoming a Professor of Legal Writing*, 26 FLA. ST. U. L. REV. 1067, 1073-75 (1999) (explaining why individuals become legal writing professors, the types of positions available, and how to get appointed to a legal writing position).

75. Herbert N. Ramy, *Two Programs are Better Than One: Coordinating Efforts Between Academic Support and Legal Writing Departments*, 9 PERSP. TEACHING LEGAL RES. & WRITING 148 (2001).

76. *See id.* (discussing the coordination of academic support and legal writing departments at Suffolk University School of Law); *see also* Cerminara, *supra* note 13, at 259 (discussing academic support delivered through the legal writing program at University of Pittsburgh School of Law and describing a variety of support program models).

77. William R. Slomanson, *Legal Scholarship Blueprint*, 50 J. LEGAL EDUC. 431, 433 (2000) ("The common perception is that scholarship ranks first at upper-tier schools, teaching first at others. . . . A number of schools effectively delegate this part of the tenure evaluation process to the law reviews: you either publish or you don't, and the more publications, the better.").

*J. Directly and Informally Lobby for Structural and
Curricular Changes that You Believe Will
Promote the Academic Support Mission*

Direct and informal lobbying is an important tool for promoting ASPs. I sometimes conduct "courtesy calls" on first year professors where I chat with them about their syllabus, their impression of the students in their classes, and any ideas they have for assisting the students they perceive as having difficulty. Participating in law school lunches and dinners is also important. Sometimes more can be accomplished during an informal lunch or after dinner drinks than in a formal meeting.

V. REFLECTIONS OF ONE ASP—CHASE COLLEGE OF LAW

Five years ago, Chase College of Law undertook major institutional changes to address declining bar passage rates. During the debate and implementation of these changes, the tension between the historic exclusionary tradition of law school practices and the inclusionary practices of academic support came to the surface. As part of the institutional changes, academic support advocates on the faculty pushed (and continue to push) for more academic support to be provided by all faculty members rather than solely provided by academic support personnel. This push for greater integration of academic support was being done at the same time other faculty members pushed for exclusionary measures to "weed out" academically weak students in the law school.

What was ultimately adopted was a combination of exclusionary measures (such as grade norms, tougher dismissal policies, and more required courses) with inclusionary academic support measures (such as the creation of smaller class sections, encouragement of diverse teaching methods, use of mid-terms, and expansion of academic assistance programs). As a result, the school provides a useful case study of the role of academic support in the law school academy both in terms of a support program's positive and negative roles.

*A. Formal Academic Support Programs at
Chase College of Law*

There are five traditional academic support programs currently in place at Chase: (1) Summer Program for Legal Analysis; (2) Introduction to Legal Studies; (3) the Academic Development Program; (4) Enriched Basic Legal Skills (writing) Classes; and (5) Various tutoring programs.

1. Summer Program for Legal Analysis

The Summer Program for Legal Analysis is an eight day voluntary program “devoted to developing the skills necessary for success in law school.”⁷⁸ The program, which is open to all students, is designed primarily for students admitted to the law school and entering the first year. Students who have been out of an academic setting for a number of years or who have not had much exposure to the law and the way law schools function are particularly encouraged to attend. Participants receive intensive instruction in reading and analyzing legal materials such as cases and statutes.

This program plays a number of important roles for the law school and for promoting academic support’s mission. It helps build analytical skills for incoming students and it acclimatizes incoming students to the level of rigor the students will face in law school. The program also helps students diagnose skill deficiencies, thereby enabling them to work on these deficiencies before and during law school. Additionally, the program has been a good recruitment tool for the school. Some students have indicated that they chose to attend Chase College of Law due to the availability of this program.

The drawbacks of the program are the cost, which includes compensation of law school faculty members for a fairly high workload. Since this is a voluntary, no-credit program, the costs of the program are not directly recovered from student tuition. Secondly, summer programs such as this, while shown to provide important short-term benefits in improved academic performance, do not necessarily demonstrate long-term academic impact.⁷⁹ Finally, a summer program that does not engage doctrinal faculty members can simply enable the law school faculty to continue methods of teaching that are contrary to the ASP mission.

2. Introduction to Legal Studies

The Introduction to Legal Studies class “is a week-long, mandatory [orientation] program for all in-coming law students.”⁸⁰ It is for one credit and is graded pass/fail. Four full-time faculty members teach both full-time, approximately eighty, and part-time students, approximately seventy. “Classes are held in large and small group settings.”⁸¹ “A variety of teaching and

78. Salmon P. Chase Coll. of Law, *Academic Support and Development*, in 2002-2004 CATALOG, at 17, available at www.aku.edu/~chase (last visited Sept. 7, 2002) [hereinafter *Academic Support and Development*].

79. Knaplund & Sander, *supra* note 6, at 180-83.

80. *Academic Support and Development*, *supra* note 78, at 17.

81. *Id.*

learning techniques are used.”⁸² Its “primary goal is to introduce students to the expectations of the typical law school class.”⁸³ “The course also covers case-briefing, outlining, and the basics of exam preparation.”⁸⁴

The class plays an important academic support function. It makes some students less apprehensive about issues of law in initial class discussions. The introduction to basic legal issues prior to the beginning of substantive classes also levels the playing field between some students who have been exposed to the law either through past work or study and students who are new to legal studies. The Introduction to Legal Studies class also acts as a bonding ritual for the first year class. Students get to know each other before they are immersed into their substantive classes. This bonding function, in my view, has the positive effect of lessening anxiety between the students and allows for the foundation of friendships, study groups, and information contacts for the student body.

Additionally, the program has a relatively low cost because existing faculty are used and paid relatively small stipends. Similar programs have shown short term benefits for student retention, academic success, and student satisfaction.⁸⁵ The program also has strong public relations benefits. Finally, the Introduction to Legal Studies class provides an early part in the evaluation of students for other academic support services. Students who have a difficult time with the materials in the course are steered to the Academic Development Program and tutoring services early in the semester.

A drawback of the course is that it does not necessarily allow for long-term academic success.⁸⁶ Additionally, it does not promote deep systemic change. Professors at the school, relying on this course to teach students how to cope with the Langdellian method,⁸⁷ can continue traditional “exclusionary” teaching methods.⁸⁸ However, the involvement of ASP professionals teaching alongside the doctrinal faculty does institute positive systemic change.

3. Academic Development Program

The Academic Development Program is run by recent graduates of the law

82. *Id.*

83. *Id.*

84. *Id.*

85. Knaplund & Sander, *supra* note 6, at 197-98.

86. *See id.* at 181-82 (analyzing the academic performance of students participating in programs administered before school begins).

87. A process of teaching introduced by Christopher Langdell at Harvard Law School in 1870, that has been subject to much criticism. *See* Stropus, *supra* note 8, at 452-55.

88. *See id.*

school who are hired as adjunct faculty. They hold Saturday morning study skills workshops, which are open to all first year law students. The topics covered first semester are: "time management and studying techniques, case briefing, outlining, [and] exam taking."⁸⁹ In the second semester, the faculty focuses more directly on exam-taking techniques and spends one to two workshops on exam writing in each first year subject.⁹⁰ A variety of teaching techniques are used. The faculty then holds office hours at the law school on the weekends following the workshops. The workshops are usually well attended with twenty to twenty-five students attending each of the workshops. The faculty uses materials being covered in the students' substantive courses in order to provide continuity between the workshop and law school classroom.

Such a program has been shown to provide short-term benefits in student retention, academic performance, and student satisfaction.⁹¹ There are also good public relations benefits. The anecdotal evidence points to this program being a success; students I talked to who had attended the sessions expressed that they found the sessions useful. A number of study groups worked in conjunction with Saturday morning workshops and asked some of the faculty members to meet with their groups to discuss legal issues raised in the workshops and in their law classes.

Unfortunately, the program has seen some shortcomings. First, it does not necessarily allow for long-term academic development. Second, many students who need help do not participate. Conversely, but equally problematic, some students who participate suffer academic support overload (i.e., it takes valuable time from students who can ill afford extra time away from their studies). Finally, the program enables law school faculty to continue in traditional "exclusionary" teaching methods.

4. Enriched Basic Legal Skills Classes

Chase College of Law offers two special Basic Legal Skills (introductory legal writing) classes for first year students who, based on their law school application, appear to be "at risk" of not succeeding in their legal studies.⁹² Basic Legal Skills is a three credit, year-long course that all first year students must take.⁹³ It is normally taught by two full-time legal writing professors, teaching two ninety minute sections in classes containing roughly thirty to forty

89. *Academic Support and Development*, *supra* note 78, at 17.

90. *Id.*

91. *See* Knaplund & Sander, *supra* note 6, at 197.

92. *See* Memorandum from Adam Todd, to Lowell Schechter (Sept. 22, 1997) (on file with *Gonzaga Law Review*).

93. *Description of Curriculum*, *supra* note 63, at 4.

students. For the new program, the law school hired one additional full-time legal writing professor (as a Visiting Professor) to teach two additional enriched sections. The two enriched classes have roughly fourteen to eighteen students.

For this program, students' admissions files are reviewed for placement in the class. The smaller number of students in these classes allowed for individualized attention to the development of students' writing and analytical skills. Literature on academic support and legal writing indicates a more effective way to teach legal writing, particularly to at-risk students, is through small classes where students can get individualized attention.⁹⁴ The smaller class size also allows the professor to give some students attention concerning other non-writing issues facing at risk students such as time and stress management, effective study skills, and exam taking techniques.

I have taught this class for four years and have found the class to be successful in respect to a number of academic support goals. The smaller class size allowed me to meet with my students in small groups and one-on-one more frequently than past years when I have taught this course to larger groups. Last year, when I taught this same course with two classes of twenty-seven each, I was only able to meet with my students individually one time before they handed in an assignment. In the current class, I am able to meet at least twice with each student. In addition, I am able to meet with about one-third of the students for a brief third meeting if they feel it would be useful. Second, I am also able to give much more extensive feedback to the students in the enriched classes. Finally, due to the smaller number of students, I am able to hold some of my classes in the library computer room, thereby allowing me to take advantage of technological tools that facilitate the teaching of writing in the classroom.

Students have expressed appreciation for the class. The small group work has led to groups of students meeting outside the classroom to work on assignments for my class, as well as to study for other classes. While there were some initial concerns by the students about the stigma this class may have on them, such concerns seemed to have quickly passed. Students inside and outside the classroom have generally been enthusiastic about the topics raised in class and seem to have overall positive attitudes about their legal studies.

An additional benefit arising from this program has been the reduction in the class size of all the legal writing classes. Prior to the creation of the enriched writing class, the full-time legal writing professors had an average of thirty-five to forty students in each of their writing sections. With the addition of another legal writing professor, overall class sizes for legal writing have

94. See Knaplund & Sander, *supra* note 6, at 203; see also Wangerin, *supra* note 2, at 174.

dropped to roughly thirty students.⁹⁵ All legal writing professors participate in reviewing incoming students' files and selecting participants for the enriched class.

The selection process for this course, however, creates potential for a feeling of stigmatization on the part of the participants.⁹⁶ Additionally, this class may also provoke backlash complaints from students who were not selected to participate, because they feel cheated or disadvantaged. Finally, the cost of hiring an additional full-time faculty member can be prohibitive. However, Chase has created this position on a contract basis. Furthermore, the salaries of legal writing faculty are considerably lower than those of regular faculty members.⁹⁷

5. Informal Tutoring Programs

Chase College of Law offers tutors on an at-need basis.⁹⁸ Students are referred to tutors by the Director of Academic Support, the Dean of Academic Affairs, or an individual professor. The adjunct professors of the Academic Development Programs as well as members of the local legal community (particularly the Black Lawyers Association of Cincinnati), volunteer to meet with students on an as-needed basis. Arrangements are made directly between the student and the tutor. The law school does refer some students to tutors. No training or formal oversight is done by the school.

The benefits of a tutoring program are that it is administratively easy, low cost, and focused on an individual student's problem.⁹⁹ Additionally, the mentoring and support functions of some tutors are invaluable. Students to whom I have talked have had mixed experiences with tutors.

However, the drawbacks are that tutoring, unless done by a person who is well trained or well gifted, can easily encourage dependent relationships that stifle independent learning skills.¹⁰⁰ Additionally, if sporadic or unstructured,

95. Memorandum from Adam Todd, *supra* note 92.

96. The first year I taught the enriched course I opted for full disclosure about the purpose and selection process of the course to my students. Most of the students reacted favorably and in the spirit in which I delivered the news, however, a few students were very upset by their placement in the class. One student dropped out of law school apparently because of being placed in this class. This past year I opted for non-disclosure and I heard of no complaints from students. There very well may still have been, however, an awareness on the students' part that they were in a "special" class. On a further note, I have been surprised at the intellectual rigor and academic abilities of the students that have been placed in this class in the past two years.

97. N. KY. UNIV., FACULTY SALARIES BY DEPARTMENT 20 (2001).

98. The at-need basis is made up of several factors to include academic performance.

99. Knaplund & Sander, *supra* note 6, at 184.

100. *Id.* at 185.

it can place additional strains and drag on a student's studying time. Tutoring also enables the law school as a whole to continue in ways contrary to ASP pedagogy.

B. Beyond Traditional Academic Support—Systemic Support

The above programs fit into the model of programs that generally "enable" the law school to continue, as a whole, to function in ways that are contrary to the mission of the ASP.

At Chase, I and other faculty members have pushed for ASP type changes in the traditional curriculum. Recent institutional changes that have bolstered the goals of academic support are: (1) the hiring of an Academic Support Director; (2) the creation of small sections for first year courses; (3) the encouragement of mid-term examinations and feed-back in first-year courses; and (4) the encouragement of using non-traditional admissions indicators.

1. Hiring of Academic Support Director

In Fall 1997, Chase College of Law hired me as Academic Support Director and Professor of Legal Writing initially on a visiting, and then on a year-to-year basis. The duties of this position are to oversee and participate in the teaching of the various academic support programs at the law school and to teach legal writing.¹⁰¹

The hiring of an academic support director was an important step towards increasing the stature and importance of academic support and preventing the existing academic support programs from merely enabling the law school to continue its older exclusionary activities. As academic support coordinator, I was charged with providing the Dean and faculty with expertise in academic support issues. I sat in on full faculty and committee meetings and provided input from an academic support perspective on important issues facing the law

101. The full description of the position as adopted by the faculty is as follows: teach "enriched" (academic support) classes of Basic Legal Skills - Writing; teach upper-level writing class(es) that incorporate academic support components in its curriculum (particularly during the summer); coordinate, advise, and participate in other academic support programs provided by the school such as the Academic Development Program (weekend workshops) and Bar Preparation Workshop (being proposed); meet (on limited, but on as-needed basis) individually with students having academic difficulty to provide counseling, refer for testing, or directly work on skills; keep statistics and evaluate academic support programs provided by the law school; study and keep up-to-date on academic support literature and learning theory, particularly the growing body of formal studies and surveys on the efficiency of academic support programs; advise the Dean's office and faculty concerning academic support issues; and contribute to the scholarship on academic support and legal writing through publishing and making presentations.

school. The two-year self study and ABA/AALS inspection process, as well as public concerns over low bar passage rates, allowed me to participate in important decisions affecting the role of academic support in the institution as a whole.¹⁰² This platform allowed me to raise academic support issues that went beyond the traditional academic support programs and that pushed for ASP pedagogy in the traditional classes. Brown bag lunches and teaching workshops put on by the law school on teaching issues gave further (but less influential) voice to ASP issues in the institution as a whole.

The downside of this position is that it was created as a contract position rather than a tenure-track position. As such, this position has less status, less pay, and no direct voting rights.¹⁰³ This discrepancy in status, compared to the rest of the faculty, perpetuated the marginalization of ASPs in the school.

2. Creating Small Sections for First Year Courses

Another program that pushed ASP pedagogy beyond traditional ASP programs was the creation of small sections for first year classes. One year ago, faculty teaching schedules were rearranged to create classes of twenty-eight to thirty-five students in some of the first year courses, so that each first year student would have one small section experience. Each teacher in the small section was encouraged to use varied teaching techniques and to give students more individualized attention. The professors, through greater attention to individual students, either directly work with a student on his or her problem areas or direct that student to one of the other ASPs. The creation of these small sections was an important step by the law school as a whole, toward a school-wide application of ASP pedagogy.

3. Encouraging Mid-Term Examinations with Feedback in First Year Courses

In 1999, the faculty voted to strongly encourage professors teaching first year courses to give mid-term exams and provide feedback on these exams. The encouragement of testing tools that go beyond the sole final exam is consistent with ASP pedagogy of targeting students who need help early.¹⁰⁴ The aspect of feedback similarly advances ASP goals of early intervention and

102. I do not want to overemphasize my individual role in promoting academic support issues in the law school. The Dean and Associate Dean of the school, as well as a number of the senior and junior faculty, voiced support for academic support issues and were instrumental in seeing their implementation.

103. I did have voting rights in some committees.

104. See Garfield, *supra* note 5, at 495.

clear articulation to students of the assessment techniques used in a given class.

4. Advocating the Use of Non-Traditional Admissions Indicators

The Chase College of Law faculty, in a largely symbolic action, voted to encourage the admissions committee to give less emphasis to the LSAT and undergraduate GPAs when determining an applicant's admission to the law school. ASP pedagogy, which strives for promoting diversity and eschews traditional, narrowly based admissions indicators such as the LSAT, directly influenced this request.

C. Political Realities and Dirty Laundry—How Politics and Peccadillos Factor into Institutional ASP Decisions

While Chase College of Law has taken many positive steps in advancing ASP's goals, when these advances are put in the context of other changes and debates occurring in the law school, the ASP advances are not as encouraging.

Many of the above positive changes were not self-initiated, but rather done in response to the self-study and ABA/AALS inspection process, as well as in response to outside pressures to raise the school's bar passage rate. Furthermore, other steps have been taken to increase bar passage and increase the rigor of the school that directly undermine ASP goals. At the same time these academic support programs were being put into place, the school: (1) tightened the academic probation and dismissal policy; (2) instituted grade norms; (3) increased the number of required courses; and (4) instituted a required-repeat policy for core courses if a student receives a D or below in certain courses.

Furthermore, much of the ASPs are rather tenuously institutionalized. The academic support director position is not tenure-track.¹⁰⁵ If financial woes were to befall the school or political alliances were to shift among the faculty and administration members, it is not certain many of the traditional ASPs would continue.

The changes did result in an increase in the bar exam pass rates at the school. The school had a ten percentage point increase in its pass rates between July 1996 and July 1999.¹⁰⁶ The changes, however, also resulted in greater attrition. Students also responded very favorably to the increased ASPs, but this gratification was overshadowed by displeasure over the more rigid grading and curricular reforms made at the school.

105. The faculty recently voted to convert the position into a tenure-track position.

106. Luczycki, *supra* note 3, at 33.

VI. CONCLUSION

Academic support at Chase College of Law, while embraced on some fronts, continues to struggle for advances in its mission even in some of its most basic forms. Full integration of ASP goals and pedagogy into the law school institution in many ways is a utopian pipedream, but, in my opinion, a dream still worth pursuing and promoting when the chances arise. It was in fact “crisis-type” situations that opened the door for the promotion of ASP programs at Chase. Many faculty members were particularly receptive to hearing about learning methodology and teaching techniques in the context of improving bar passage results. This opportunity has allowed academic support to become embraced and established in many parts of the law school’s curriculum.

My experiences at Chase have convinced me of the importance of an ASP committed to systemic change. While I enjoy and value the day-to-day work I do with individual students, it is the larger systemic work I perform that feels, at times, most meaningful. It is these larger changes that have also provided the greatest benefit to the largest number of students.